

**REPORT SUMMARY**

<b>REFERENCE NO - 16/505965/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.			
<b>ADDRESS</b> The Chances, Lughorse Lane, Hunton, Kent, ME15 0QU			
<b>RECOMMENDATION – Permission</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Hunton Parish Council wish to see the application refused.			
<b>WARD</b> Coxheath And Hunton		<b>PARISH/TOWN COUNCIL</b> Hunton	<b>APPLICANT</b> Mr John Collins <b>AGENT</b>
<b>DECISION DUE DATE</b> 29/09/16		<b>PUBLICITY EXPIRY DATE</b> 20/09/16	<b>OFFICER SITE VISIT DATE</b> 16.08.2016
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/505113/FULL	Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home.  This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read:  'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

## **MAIN REPORT**

### **1.0 BACKGROUND**

- 1.1 This site and the adjoining site to the west are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site. A second static has recently been stationed on site adjacent to the western boundary. This second static is the subject of this application.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

### **3.0 PROPOSAL**

- 3.1 Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.
- 3.2 Condition 2 currently states:
- 3.3 No more than one static caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;
- 3.4 This application seeks to vary the wording as below:
- 3.5 No more than two statics caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;
- 3.6 The second static caravan which is the subject of this application has already been brought onto the site and is located adjacent the west boundary. The static is used by the applicant's son.

### **4.0 POLICIES AND OTHER CONSIDERATIONS**

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

### **5.0 LOCAL REPRESENTATIONS**

- 5.1 Some 7 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:
- Land within the red line boundary is owned by a third party.
  - Description of the proposed development is confusing and flawed.
  - Site is visible from the PROW.
  - Should not be allowed in the SLA.
  - The number of caravans (including adjacent sites) exceeds MBC density calculations.
  - If all applications permitted on site there would be 5 statics which would exceed the guidelines of the emerging policy.
  - The plot is only half an acre not one acre as stated in the Local Plan.
  - Site can be seen from Greensand Way and the road.
  - Conditions on previous approval have not been complied with.
  - Site is detrimental to the local environment.
  - Additional vehicle traffic
  - Impact on the character of the surrounding area / countryside.
  - One letter of support vouching for the character of the applicant.
- 5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised below:

- The site is not large enough to accommodate more caravans.
- The site is 0.2 hectares not 0.4 hectares as previously stated.
- Visual harm to the countryside.
- The disposal of waste water poses a public and environmental health risk.

## **6.0 CONSULTATION RESPONSES**

6.1 **KCC Highways:** Raise no objection.

6.2 **KCC PROW:** No objections

6.3 **Environmental Health Team:** No objections

6.5 **MBC Landscape:** No objections.

6.6 **Southern Water:** No comments to make.

6.7 **Forestry Commission:** Recommend following Natural England's Standing Advice

## **7.0 PRINCIPLE OF DEVELOPMENT**

7.1 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

*"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."*

7.2 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

7.3 However, a key consideration in the determination of this application is central Government guidance contained within 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.4 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

### *Need for Gypsy Sites*

7.6 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

7.7 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

7.8 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20<sup>th</sup> January 2016 and submitted to the Secretary of State on 20<sup>th</sup> May 2016.

Supply of Gypsy sites

7.9 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

7.10 Since 1<sup>st</sup> October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 85 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

7.11 Therefore a net total of 101 permanent pitches have been granted since 1<sup>st</sup> October 2011. A further 86 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

7.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.

7.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

7.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31<sup>st</sup> August 2015, and the planning definition of

'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

- 7.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.16 In this instance permanent planning permission already exists on this site for one static and one touring caravan and the gypsy traveller status of the applicant was confirmed during the determination of the original permission. This application proposes one additional static caravan for the applicant's son. As such the gypsy traveller status of the applicant has already been confirmed and the applicant and his family are considered to fall within the definition of a gypsy traveller. The parent planning permission contains a condition restricting the use of the site to travellers.
- 7.17 Given the fact the Council is unable to offer any alternative accommodation and taking into consideration the emerging policy GT1 (7) for this site which allocates a total of 4 pitches (2 more than the current consents), the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.

## **8.0 VISUAL IMPACT**

- 8.1 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined; however, this is addressed in the NPPF and saved Local Plan policy ENV28 and ENV34.
- 8.2 The landscape in the vicinity of the application site is in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. The site itself is fairly well enclosed. There is mature hedgerow planting along the north, east, south and a majority of the west boundary with the exception of the vehicle access. The boundary screening and distance of the site from Lughorse Lane all limit mid- to long-distance views into the site. Short range views are also limited by the boundary screening. Close range views are mainly limited to views of the site entrance and shared vehicle access. There is a further gypsy/traveller caravan site adjacent (app no. 15/506338), to which the application site would be well related without significant cumulative visual impact. The additional caravan has been appropriately located adjacent to the west boundary hedge and is not significantly visible from any public vantage points due to the established boundary screening. In this context the one additional caravan is not considered to be visually intrusive, and would be neither incongruous nor discordant. In my view the vegetation along eastern boundary could be improved to plug up any gaps to further improve the screening and further limit views of the site from the east. This could be adequately secured by condition.

- 8.3 Overall it is considered that the site is currently well screened and subject to additional supplementary planting along the east boundary, the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

**9.0 SUSTAINABILITY**

- 9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

**10.0 RESIDENTIAL AMENITY**

- 10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the west of the site. Sufficient screening is provided on the west boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

**11.1 HIGHWAY SAFETY IMPLICATIONS**

- 11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

**12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS**

- 12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.
- 12.2 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.
- 12.3 As stated above the site is well screened and benefits from established mature boundary vegetation. Additional landscaping could be secured along the east site boundary which would improve the landscape and biodiversity within the site.
- 12.4 No objections have been raised by KCC, the forestry commission and landscape officer on the grounds that there would be any impact on the ancient woodland to the south of the site.

**13.0 OTHER CONSIDERATIONS**

- 13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.

- 13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.
- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised in relation to the accuracy of the site area as set out in the emerging policy GT1 (7). On review of the policy the application site appears to accord with the site plan area associated with the emerging policy. Policy GT1 (7) does not state the size of the site. Local objectors state that the conditions on the original consent have not been complied with such as additional planting and the installation of bird / boxes. The council has contacted the applicant and expect a condition application to be submitted shortly.

#### **14.0 CONCLUSION**

- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.



- 14.9 I therefore consider the development is acceptable and recommend permanent permission.

**CONDITIONS**

- (1) No more than two static caravans and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

- (2) Within three months of the date of this decision notice, details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

i) Details of the species, size, density and location of new planting along the east site boundary;

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

- (3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of the approval; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

- (4) The development hereby permitted shall be carried out in accordance with the following drawings:

Block Plan and Site Plan; received on 4.09.2016.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

**INFORMATIVES**

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.